

APHC010360542020



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3310]

WEDNESDAY ,THE THIRD DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 24015/2020

Between:

B Ganesh

...PETITIONER

AND

State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.V RAVICHANDRAN

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

ORDER :

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“.....to issue appropriate Writ Order or Direction more particularly one in the nature of a Writ of Mandamus declaring action of the Respondents in not considering Petitioners case for promotion to the post of Senior Assistant on the ground of pendency of RADIO MESSAGE REF 01/SCACB/VSP/2011, dated 25.01.2011 and thereby denying promotion at the threshold itself though the Petitioner is not under currency of any disciplinary or criminal proceedings as being arbitrary, illegal, contrary to the orders issued in G.O.Ms.No.66, dated 30.01.1991 and Judgments rendered in this regard including the Order passed by this Honble Court in W.P.No.3315 of 2019 dated 23.01.2020 and in violation of Articles 14 and 16 of the Constitution of India and further be pleased to hold that the Petitioner is entitled to have his case considered and be promoted as Senior Assistant with benefits incidental thereto without reference to the pendency of surprise check proceedings in RADIO MESSAGE REF 01/SCACB/VSP/2011 dated 25.01.2011 on the analogy of Orders passed in similar cases and the reservation in the interest of justice with benefits incidental and ancillary thereto and to pass order.....”

2. The case of the petitioner is that he is presently working as Junior Assistant in the office of the District Registrar, Visakhapatnam. A surprise check was conducted by Anti Corruption Bureau (ACB) on 25.01.2011 in the office of the Joint Sub Registrar Madhurawada, Visakhapatnam, where the petitioner was working in the year 2011. On the basis of the said surprise check, a case was registered against five individuals and charge sheet dated 15.4.2017 was filed before the Court of III Additional District & Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam. However, the name of the petitioner does not figure in the said charge sheet. It is further stated that he has approached this Court complaining that even though his name was not figuring in the charge sheet, the respondents are not considering his case for promotion to the post of Senior Assistant on the ground that the said case is still pending against the petitioner as Radio Message Reference No.01/SC-ACB/VSP/2011 dated 25.01.2011 which had been issued prior to the filing of the criminal case,, has not been closed.

3. This Court vide order dated 16.12.2020, while issuing Notice before Admission, has granted interim direction as prayed for.

4. Heard learned counsel for the petitioner. Perused the material available on record.

5. On hearing, learned counsel for the petitioner has placed a copy of proceedings vide Procs.No.E1/339/2021-16, dated 28.08.2021 issued by the Deputy Inspector General of Registration & Stamps, Visakhapatnam (FAC),

and submits that the petitioner has been promoted as Senior Assistant. Therefore, the grievance of the petitioner in the present writ petition has been redressed by the respondent authority. Hence learned counsel submits that, no orders are required to be passed in the present writ petition and the same may be closed.

6. Recording the above submissions of learned counsel for the petitioner, the Writ Petition is closed. There shall be no order as to costs.

7. As a sequel, all the pending miscellaneous applications shall stand closed.

DR. K. MANMADHA RAO, J.

Date : 03-07-2024

Gvl

HON'BLE DR. JUSTICE K. MANMADHA RAO

WRIT PETITION No.24015 of 2020

Date : 03.07.2024

Gv/